

OFFICE OF THE CLERK
**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

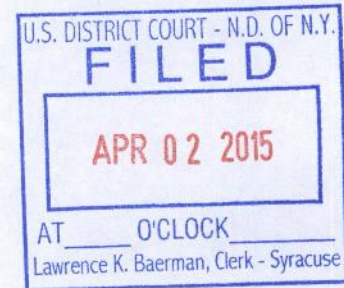
2120 U.S. COURTHOUSE
100 STATE STREET
ROCHESTER, NEW YORK 14614-1387
(585) 613-4000 ★ FAX (585) 613-4035
<http://www.nywd.uscourts.gov>

MICHAEL J. ROEMER
CLERK OF COURT

JEANNE M. SPAMPATA
CHIEF DEPUTY CLERK

Memorandum

TO: NEW YORK NORTHERN
FROM: NEW YORK WESTERN
SUBJECT: TRANSFER CASE
DATE: 3/31/2015



Enclosed is a signed document for a case that has been transferred to your court.
Your case number is 14-CV-1375.

Thank-you.



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WESTERN DISTRICT OF NEW YORK

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MICHAEL J. ROEMER
CLERK OF COURT

JEANNE M. SPAMPATA
CHIEF DEPUTY CLERK

Memorandum

TO: Joseph O'Hara
FROM: Clerks Office
SUBJECT: Signed Form
DATE: 10/20/2014

Please be advised that you must provide a signed original form when ever you submit documents to the Court. Your answer has been docketed - here is a copy of the last page, please sign and return.

*SORRY FOR THE
DELAY IN GETTING THIS
BACK TO YOU. IT GOT
TICKED UP DURING A
UNIT SHAKEDOWN SEVERAL
MONTHS AGO - AND I
JUST RETRIEVED IT.*
J. O'Hara
2/29/15

COUNTER-CLAIMS. Defendant reserves the right to assert appropriate counter-claims against NXIVM and its attorneys - including, but not necessarily limited to, the following: frivolous lawsuit, harassment, disparagement, libel, and any other such counter-claims as may be revealed to be relevant hereafter.

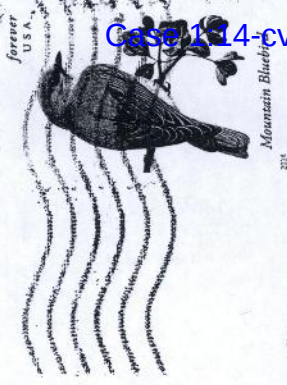
In this regard, without limiting the generality of the foregoing, Defendant specifically reserves the right to assert a civil RICO counter-claim against NXIVM and its leaders, Keith A. Raniere a/k/a Vanguard and Nancy Salzman a/k/a Prefect, and other associated individuals and entities that have been involved in NXIVM's ongoing criminal enterprise.

Joseph J. O'Hara

JOSEPH J. O'HARA
REG. NO. 18681-052
% METROPOLITAN DETENTION CENTER
P.O. Box 329002
BROOKLYN NY 11232-9002



NEW YORK NY 100
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CLERK OF COURT
U.S. DISTRICT COURT FOR
THE WESTERN DISTRICT OF NY
2120 U.S. COURTHOUSE
100 STATE STREET
ROCHESTER NY 14614-1389

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CLERK, U.S. DISTRICT COURT

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ROCHESTER, NY 14614

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OTHER

Joseph O'Hara
MDC Brooklyn
Metropolitan Detention Center
PO Box 329002
Brooklyn, NY 11232

ROCHESTER NY 144

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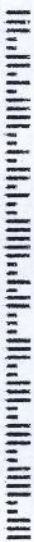
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CASREF,CLOSED_2014

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:13-cv-06577-MAT-JWF

NXIVM Corporation v. Foley et al

Assigned to: Hon. Michael A. Telesca

Referred to: Hon. Jonathan W. Feldman

Demand: \$1,000,000

Case in other court: Northern District of New York,

14-CV-1375

Cause: 28:1391 Personal Injury

Date Filed: 10/22/2013

Date Terminated: 11/18/2014

Jury Demand: None

Nature of Suit: 890 Other Statutory
Actions

Jurisdiction: Federal Question

Plaintiff

NXIVM Corporation

represented by **Laura A. Myers**

The Wolford Law Firm LLP
600 Reynolds Arcade Building
16 East Main Street
Rochester, NY 14614
Email: lmyers@wolfordfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael R. Wolford
The Wolford Law Firm LLP
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Fax: 585-325-8009
Email: mwolford@wolfordfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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O'Connell & Aronowitz, P.C.
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(518) 462-5601
Fax: (518) 462-2670
Email: pnichols@oalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Toni Foley

represented by **Eugene Grenz**
113 Great Oaks Boulevard
Albany, NY 12203
518-464-1700
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Joseph O'Hara

represented by **Joseph O'Hara**
MDC Brooklyn
Metropolitan Detention Center
PO Box 329002
Brooklyn, NY 11232
PRO SE

Defendant

John Tighe

represented by **Donald P. Ford, Jr.**
Thuillez Ford Gold Johnson & Butler,
LLP
20 Corporate Woods Blvd.
6th Floor
Albany, NY 12211
518-455-9952
Fax: 518-462-4031
Email: dford@thuillezford.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Suzanna Andrews

represented by **Michael J. Grygiel**
Greenberg Traurig, LLP
54 State Street
6th Floor
Albany, NY 12207
518-689-1406
Fax: 518-677-1861
Email: grygielm@gtlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Odato

represented by **David A. Schulz**

Levine Sullivan Koch & Schulz, LLP
 321 W. 44 Street
 Suite 1000
 New York, NY 10036
 212-850-6100
 Fax: 212-850-6299
 Email: dschulz@lskslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Does 1-59

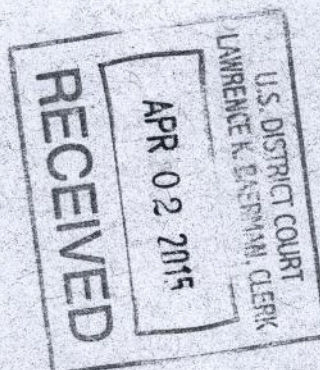
| Date Filed | # | Docket Text |
|-------------------|-----------|--|
| 10/22/2013 | <u>1</u> | COMPLAINT against Suzanna Andrews, John Does 1-59, Toni Foley, Joseph O'Hara, James Odato, John Tighe, filed by NXIVM Corporation.(BK) (Entered: 10/23/2013) |
| 10/22/2013 | <u>2</u> | MOTION to Seal Case by NXIVM Corporation.(BK) (Entered: 10/23/2013) |
| 10/22/2013 | <u>3</u> | CORPORATE DISCLOSURE STATEMENT by NXIVM Corporation. (BK) (Entered: 10/23/2013) |
| 10/28/2013 | <u>4</u> | ORDER granting <u>2</u> Motion to Seal Case. Signed by Hon. Michael A. Telesca on 10/28/2013. (BK) (Entered: 10/29/2013) |
| 01/31/2014 | <u>5</u> | MOTION for Extension of Time to File by NXIVM Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(BK) (Additional attachment(s) added on 2/18/2014: # <u>5</u> Exhibit E) (BK). (Additional attachment(s) added on 2/18/2014: # <u>6</u> Exhibit E) (BK). (Entered: 02/04/2014) |
| 02/12/2014 | <u>6</u> | ORDER granting <u>5</u> Motion for Extension of Time to Serve Summons and Complaint for 180 days from the date of this Order. Signed by Hon. Michael A. Telesca on 2/12/14. (JHF) (Entered: 02/12/2014) |
| 08/08/2014 | <u>7</u> | MOTION for Extension of Time to File by NXIVM Corporation.(BK) (Entered: 08/12/2014) |
| 08/08/2014 | <u>8</u> | AFFIDAVIT in Support re <u>7</u> MOTION for Extension of Time to File filed by NXIVM Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(BK) (Entered: 08/12/2014) |
| 08/11/2014 | <u>14</u> | NOTICE of Appearance Donald P. ford for John Tighe. (BK) (Entered: 08/13/2014) |
| 08/12/2014 | <u>9</u> | ORDER granting <u>7</u> Plaintiff's Motion for Extension of Time to serve its summons and complaint on defendant Joseph O'Hara and to unseal the |

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| | | pleadings in this case in its entirety. Plaintiff's deadline to serve Joseph O'Hara is extended to September 10, 2014 and all motion papers and pleadings in this case are to be unsealed. (Clerk to follow up.) Signed by Hon. Michael A. Telesca on 8/12/14. (JMC) (Entered: 08/12/2014) |
| 08/13/2014 | <u>10</u> | AFFIDAVIT of Service for Summons and Complaint served on Toni Foley on 7/28/2014, filed by NXIVM Corporation. (Myers, Laura) (Entered: 08/13/2014) |
| 08/13/2014 | <u>11</u> | AFFIDAVIT of Service for Summons and Complaint served on John Tighe on 7/30/14, filed by NXIVM Corporation. (Myers, Laura) (Entered: 08/13/2014) |
| 08/13/2014 | <u>12</u> | AFFIDAVIT of Service for Summons and Complaint served on Suzanna Andrews on 7/31/2014, filed by NXIVM Corporation. (Myers, Laura) (Entered: 08/13/2014) |
| 08/13/2014 | <u>13</u> | AFFIDAVIT of Service for Summons and Complaint served on James Odato on 8/2/2014, filed by NXIVM Corporation. (Myers, Laura) (Entered: 08/13/2014) |
| 08/21/2014 | <u>15</u> | ORDER granting request for an extension of time until September 30, 2014 for defendant to answer or otherwise respond to the complaint. Signed by Hon. Michael A. Telesca on 8/21/14. (JMC) (Entered: 08/21/2014) |
| 08/22/2014 | <u>16</u> | NOTICE of Appearance by David A. Schulz on behalf of James Odato (Schulz, David) (Entered: 08/22/2014) |
| 09/03/2014 | <u>17</u> | AFFIDAVIT of Service for Summons and Complaint served on Joseph O'Hara on August 22, 2014, filed by NXIVM Corporation. (Myers, Laura) (Entered: 09/03/2014) |
| 09/04/2014 | <u>18</u> | ORDER granting defendant John Tighe's request for an extension of time until September 30, 2014 to answer or otherwise respond to the complaint. Signed by Hon. Michael A. Telesca on 9/3/14. (JMC) (Entered: 09/04/2014) |
| 09/05/2014 | <u>19</u> | MOTION for Extension of Time to File Answer by Joseph O'Hara.(BK) (Entered: 09/08/2014) |
| 09/30/2014 | <u>20</u> | ANSWER to <u>1</u> Complaint by John Tighe.(Ford, Donald) (Entered: 09/30/2014) |
| 09/30/2014 | <u>21</u> | CERTIFICATE OF SERVICE by John Tighe re <u>20</u> Answer to Complaint (Ford, Donald) (Entered: 09/30/2014) |
| 09/30/2014 | <u>22</u> | Joint MOTION to Change Venue by Suzanna Andrews, James Odato. (Attachments: # <u>1</u> Affidavit Suzanna Andrews with Ex. A, # <u>2</u> Affidavit Michael Grygiel with Exs. A-F, # <u>3</u> Memorandum in Support)(Grygiel, Michael) (Entered: 09/30/2014) |
| 09/30/2014 | <u>23</u> | DECLARATION signed by David A. Schulz re <u>22</u> Joint MOTION to Change Venue filed by James Odato filed by James Odato. (Schulz, David) (Entered: 09/30/2014) |
| 09/30/2014 | <u>24</u> | DECLARATION signed by James Odato re <u>22</u> Joint MOTION to Change Venue filed by James Odato filed by James Odato. (Schulz, David) (Entered: 09/30/2014) |

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| | | 09/30/2014) |
| 09/30/2014 | <u>25</u> | **PLEASE NOTE THAT MOTION HAS BEEN REFILED WITH CORRECT ATTACHMENTS. PLEASE DISREGARD THIS DOCUMENT NUMBER ** MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by James Odató. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of David. A Schulz in Support of Motion to Dismiss, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J)(Schulz, David) Modified on 10/1/2014 (JMM). (Entered: 09/30/2014) |
| 09/30/2014 | <u>26</u> | CERTIFICATE OF SERVICE by Suzanna Andrews re <u>22</u> Joint MOTION to Change Venue (Grygiel, Michael) (Entered: 09/30/2014) |
| 09/30/2014 | <u>27</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Suzanna Andrews. (Attachments: # <u>1</u> Memorandum in Support)(Grygiel, Michael) (Entered: 09/30/2014) |
| 09/30/2014 | <u>28</u> | CERTIFICATE OF SERVICE by Suzanna Andrews re <u>27</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Grygiel, Michael) (Entered: 09/30/2014) |
| 09/30/2014 | <u>29</u> | CERTIFICATE OF SERVICE by James Odató re <u>23</u> Declaration, <u>24</u> Declaration (Schulz, David) (Entered: 09/30/2014) |
| 09/30/2014 | <u>30</u> | CERTIFICATE OF SERVICE by James Odató re <u>25</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Schulz, David) (Entered: 09/30/2014) |
| 10/01/2014 | | E-Filing Notification regarding <u>25</u> MOTION TO DISMISS - Filer attached items to this motion in error. All attachments to this entry have been deleted and filer is directed to refile entire motion and correct attachments. (JMM) (Entered: 10/01/2014) |
| 10/01/2014 | <u>31</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by James Odató. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of David A. Schulz, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J)(Schulz, David) (Entered: 10/01/2014) |
| 10/01/2014 | <u>32</u> | CERTIFICATE OF SERVICE by James Odató re <u>31</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Schulz, David) (Entered: 10/01/2014) |
| 10/02/2014 | <u>33</u> | ORDER REFERRING CASE to Magistrate Judge Hon. Jonathan W. Feldman. Signed by Hon. Michael A. Telesca on 10/2/14. (JMC) (Entered: 10/02/2014) |
| 10/02/2014 | | NOTICE: Set/Reset Deadlines as to <u>19</u> MOTION for Extension of Time to File Answer, <u>22</u> Joint MOTION to Change Venue , <u>31</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>27</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . Motions will be submitted without oral argument on 10/30/2014 before Hon. Michael A. Telesca. No court appearances are required. |

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| | | (JMC) (Entered: 10/02/2014) |
| 10/06/2014 | <u>34</u> | STATUS REPORT <i>requesting time extension</i> by NXIVM Corporation. (Wolford, Michael) (Entered: 10/06/2014) |
| 10/06/2014 | <u>35</u> | ANSWER to <u>1</u> Complaint by Toni Foley.(BK) (Entered: 10/08/2014) |
| 10/06/2014 | <u>36</u> | MOTION to Change Venue by Toni Foley.(BK) (Entered: 10/08/2014) |
| 10/09/2014 | <u>37</u> | NOTICE AND ORDER: Responses due by 11/14/2014; Replies due by 12/5/2014; and Motions will be submitted without oral argument on 12/11/2014 before Hon. Michael A. Telesca. Signed by Hon. Michael A. Telesca on 10/9/14. (JMC) (Entered: 10/09/2014) |
| 10/09/2014 | <u>41</u> | ANSWER to <u>1</u> Complaint by Joseph O'Hara.(BK) (Entered: 10/16/2014) |
| 10/10/2014 | <u>38</u> | MOTION to Change Venue by John Tighe. (Attachments: # <u>1</u> Affidavit of Donald P. Ford, Jr., # <u>2</u> Affidavit of John Tighe, with attachment, # <u>3</u> Memorandum in Support)(Ford, Donald) (Entered: 10/10/2014) |
| 10/10/2014 | <u>39</u> | CERTIFICATE OF SERVICE by John Tighe re <u>38</u> MOTION to Change Venue (Ford, Donald) (Entered: 10/10/2014) |
| 10/14/2014 | <u>40</u> | CERTIFICATE OF SERVICE by Suzanna Andrews re <u>26</u> Certificate of Service, <u>22</u> Joint MOTION to Change Venue <i>Served again with additional addressee information</i> (Grygiel, Michael) (Entered: 10/14/2014) |
| 10/17/2014 | <u>42</u> | ORDER granting Plaintiff an extension of time to file. Signed by Hon. Michael A. Telesca on 10/16/2014. (BK) (Entered: 10/17/2014) |
| 11/10/2014 | <u>43</u> | -CLERK TO FOLLOW UP- ORDER granting <u>36</u> Motion to Change Venue; granting <u>38</u> Motion to Change Venue; finding as moot <u>19</u> Motion for Extension of Time to Answer ; finding as moot <u>22</u> Motion to Change Venue; finding as moot <u>27</u> Motion to Dismiss for Failure to State a Claim; finding as moot <u>31</u> Motion to Dismiss for Failure to State a Claim. (Clerk to transfer case to Northern District of New York.) Signed by Hon. Michael A. Telesca on 11/10/14. (JMC) (Entered: 11/10/2014) |
| 11/12/2014 | <u>44</u> | ORDER clarifying Order dated November 10, 2014. Signed by Hon. Michael A. Telesca on 11/12/14. (JMC) (Entered: 11/12/2014) |
| 11/12/2014 | | This case has been electronically transferred to the Northern District of New York. (BK) (Entered: 11/13/2014) |

U.S. DISTRICT COURT
STATES COURTHOUSE
ESTER, NY 14614-1387
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